

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 2273 - HB 2620

June 1, 2020

SUMMARY OF ORIGINAL BILL: In addition to any punishment imposed under Tenn. Code Ann. § 40-35-111, authorizes a fine of up to \$15,000 for aggravated assault.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (018002): Deletes all language after the enacting clause and rewrites the bill such that the substantive changes are to: (1) require any offender arrested for a violation of rioting or incitement to riot to not be released within 12 hours of the time or arrest; (2) require any sentence imposed for rioting serve a mandatory 30 day sentence; (3) include an order of restitution for any property damage or loss incurred as a result of the offenses of rioting, aggravated rioting, or incitement to riot; and (4) change the effective date from July 1, 2020 to August 1, 2020.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase Local Expenditures – \$1,800/FY20-21*
\$1,900/FY21-22 and Subsequent Years*

Assumptions for the bill as amended:

General Assumptions

- The proposed legislation is effective August 1, 2020 and will result in expenditures for approximately 91.7 percent of FY20-21; therefore, the estimated impact of this analysis represents 91.7 percent of FY20-21 and 100 percent of FY21-22 and subsequent years.
- The proposed legislation requires any offender arrested for a violation of rioting or incitement to riot to not be released within 12 hours of the time or arrest. Any impact to local jails resulting from this mandatory holding period is estimated to be not significant.
- Any impact to the court system resulting from the proposed legislation is estimated to be not significant.

Aggravated Assault

- Based on the Fiscal Review Committee's 2008 study and the Administrative Office of the Courts' (AOC) 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant. The proposed legislation will not significantly increase state or local revenue.
- Any impact to state or local revenue resulting from the proposed legislation is estimated to be not significant.

Rioting

- Based on information provided by the AOC, there has been an average of 0.2 Class A misdemeanor convictions of rioting each year over the past five years. This analysis assumes that only 10 percent of misdemeanor convictions are at the state court level. As a result, it is estimated that there are a total of two convictions ($0.2 / 10\% = 2$) per year for misdemeanor violations of Tenn. Code Ann. § 39-17-302.
- This analysis assumes individuals convicted of a Class A misdemeanor for rioting are spending an average of 15 days in local jail.
- The average cost to local governments to house an inmate in a local jail facility is \$64 per day.
- Mandating a minimum 30 days of confinement will result in an additional 15 (30 - 15) days confinement for rioting will lead to a mandatory increase in local expenditures estimated to be \$1,761 [(2 admissions x 15 days x \$64) x 91.7%] in FY20-21 and a recurring mandatory increase in local expenditures estimated to be \$1,920 (2 admissions x 15 days x \$64) in FY21-22 and subsequent fiscal years.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

/amj